

Notice of Allowability

Application No.

09/204,888

Applicant(s)

ELDERING ET AL.

Examiner

KIEU-OANH BUI

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 06/14/2006.
2. ☒ The allowed claim(s) is/are 114-154.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

KIEU-OANH BUI
Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Please replace claims "126' to --125--; "127" to - 126--; "128" to -127--; "129" to -128--; "130" to -129--; "131" to - 130--; "132" to - 131--; "133" to - 132--; "134" to -133--; "135" to - 134--; "136" to -137--; "137" to - 136 --; "138" to - 137--; "139" to - 138 --; "140" to - 139 --; "141" to -140--; "142" to - 141 --; "143" to - 142 --; "144" to - 143--; "145" to - 146--; "147" to -- 146--; "148" to - 147 --; "149" to - 148 --; "150" to - 149 --; "151" to - 150--; "152" to - 151--; "153" to - 152 --; "154" to - 153--.



**KIEU-OANH BUI
PRIMARY EXAMINER**

DETAILED ACTION

Remark

1. Claims 1-113 have been previously cancelled, with no claim 125; and new claims 149-154 have been added. Pending claims 114-124 and 126-154 are for reconsideration.

Allowable Subject Matter

2. Claims 114-124 and 126-154 have been allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 114, 121, 128, 132, 139 and 145, the prior art of record issued to Herz and others fails to teach or suggest a method of inferring the gender of a viewer and the income level of the viewer based on monitoring viewer interactions with a multimedia device in a video network and then to create a viewer record; applying one or more predefined heuristic rules to the viewing record, wherein the heuristic rules assign a probabilistic measure of gender and/or income level based on one or more aspects of the viewing record; and inferring or predicting the gender or the income level of the viewer based on the probabilistic measures.. Herz teaches a heuristic method for assigning scheduling to the viewer based on predetermined customer profiles, yet Herz does not offer the step of assigning probabilistic measures of gender and/or income level based on the heuristic rules and/or inferring or predicting the gender or the income level of the viewer based on the probabilistic measures. In other words, Herz does not have to

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create or predict the gender or income level based on the probabilistic measures, but Herz creates a scheduling of programs/events based on the predetermined classes of viewers, i.e., for Dad or for Mom or for the child by collecting the viewer profiles in advance and schedules appropriate times for those viewers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2623.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kieu-Oanh Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
August 17, 2006